

**BOARD OF PSYCHOLOGY**

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**BOARD MEETING MINUTES**

Department of Consumer Affairs
1424 Howe Avenue, Suite F
Greg Gorges Conference Room
Sacramento, CA 95825

Friday, November 18, 2005

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
William Thomas, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, PhD
Linda Lindholm
James McGhee
Sharon O'Connor, Ph.D.
William Lew Tan

Others Present:

Jeffrey Thomas, Interim Executive Officer
Laura Freedman, Legal Counsel
Norine Marks, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement Coordinator
Kris Rose, Licensing/Registration Program Coordinator
Denise Russell, Continuing Education Program Analyst/Probation Monitor

Public Present:

B.J. Combs, MCEP Accrediting Agency
Charles Faltz, Ph.D., California Psychological Association
Jo Linder-Crow, Ph.D., California Psychological Association
Christopher Moffitt, Center for Public Interest Law
Allison Parelman, Ph.D., Los Angeles Society of Clinical Psychologists
Linda Taylor, UCLA Center for Mental Health in Schools
John Renner, Ph.D., California School of Organizational Studies
Rodney L. Lowman Ph.D., California School of Organizational Studies

Open Session – Petitioner and Administrative Hearings

Administrative Law Judge Stephen J. Smith presided.

9:00 A.M. – COCHAGNE, Jennifer, Ph.D.

Jennifer Cochagne, Ph.D., petitioner, was present and represented herself. Deputy Attorney General Stephen Boreman was present and represented the people of the State of California.

10:00 A.M. – COLLINS, Michael, Psy.D.

Michael Collins, Psy.D., petitioner, was present and represented himself. Deputy Attorney General Stephen Boreman was present and represented the people of the State of California.

11:00 A.M. – MILLER, W. Gregory, Psy.D.

W. Gregory Miller, Psy.D., petitioner, was present and represented himself. Deputy Attorney General Stephen Boreman was present and represented the people of the State of California.

The Board adjourned into closed session at the conclusion of each hearing.

2:30 P.M. – Open Session Committee Meetings

The Continuing Education Committee, Examination Committee, and Enforcement Committee met to discuss and formulate recommendations to the board.

3:30 P.M. – Open Session Committee Meetings

The Credentials Committee, Legislation Committee, and Consumer Education Committee met to discuss and formulate recommendations to the board.

Saturday, November 19, 2005

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 8:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
William Thomas, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, PhD
Linda Lindholm
James McGhee
Sharon O'Connor, Ph.D.
William Lew Tan

Others Present:

Jeffrey Thomas, Interim Executive Officer
Laura Freedman, Legal Counsel
Norine Marks, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement Coordinator

Kris Rose, Licensing/Registration Program Coordinator

Public Present:

B.J. Combs, MCEP Accrediting Agency

Charles Faltz, Ph.D., California Psychological Association

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Christopher Moffitt, Center for Public Interest Law

Allison Parelman, Ph.D., Los Angeles Society of Clinical Psychologists

Linda Taylor, UCLA Center for Mental Health in Schools

Agenda Item #1 – Approval of Open Session Minutes

It was M(McGhee)/S(O'Connor)/C to approve the August 11 – 12, 2005 open session minutes.

VOTE: 8 Ayes

Agenda Item #2 – President's Report – Dr. Horn

a) 2005/2006 Strategic Plan

Dr. Horn presented the completed Strategic Plan for fiscal year 2005/2006 and a matrix that lists the board's strategic objectives by their target date. The first targeted objective is to draft regulations to require psychologists to translate consumer information into the languages of their clients. Draft language for the proposed regulation will be presented at the February 2006 board meeting.

b) Report on ASPPB Annual Meeting

Dr. Horn reported that she attended the ASPPB Annual Meeting. She announced that the board's former Executive Officer, Thomas O'Connor, was presented with the Asher Pacht, Ph.D. award at the meeting. With the receipt of this award, Mr. O'Connor has now received every honor ASPPB has to offer.

Additionally, Dr. Horn stated that the meeting, which included participating boards from various states and provinces, covered many topics including distance learning, competency based licensure, consistency of disciplinary actions over time and the American Psychological Association's (APA) proposal to eliminate post-doctoral Supervised Professional Experience (SPE).

Dr. Horn reported that she attended a panel discussion regarding APA's proposal to eliminate post-doctoral SPE. She indicated that ASPPB sent out a summary of the discussion which indicated that there was an overall opposition to the proposal. She indicated, however, that many ideas came out of the discussion, including the possibility of the issuance of a provisional license after awarding of a doctoral degree.

Dr. Thomas stated that he attended the meeting as well. He commented that this was the first time he had attended this event and was very impressed by it. He reported that he attended the panel that discussed the topic on disaster response, and indicated that he would talk more about this issue later in the meeting.

c) Senate Resolution for Thomas O'Connor

Dr. Horn reported that on Friday, November 18, 2005, Mr. O'Connor was presented with a Senate Resolution signed by Senator Liz Figueroa, recognizing his many years of service and dedication to the Department of Consumer Affairs.

Dr. Horn recounted for the board members her presentation of the commemorative plaque and gift that she presented on behalf of the board to Mr. O'Connor at his going away dinner that was held in June.

d) Other President's Informational Items

Dr. Horn reported that she and Dr. Graff attended, on behalf of the board, the California Psychological Association's (CPA) Division II Conference on education and training that was recently held on October 29, 2005, in Northern California. The topic of the conference was The Supervisor as Gatekeeper. Dr. Horn led a discussion group, and both she and Dr. Graff received positive feedback regarding the board's participation at the conference and the board's steps in strengthening the supervision requirements in California. Dr. Horn indicated that Dr. Thomas also attended the meeting.

Dr. Horn announced that, since former board member Sylvia Johnson recently resigned her position on the board, Linda Lindholm has agreed to chair the Enforcement Committee. Additionally, James McGhee was appointed as a member of the Personnel and Board Relations Committee, and William Lew Tan was appointed as a member of the Legislation Committee.

Agenda Item #3 – Executive Officer's Report – Mr. Thomas

a) Election of Officer's Report

Mr. Thomas provided the board with a copy of the board's new policy regarding Election of Officers.

b) Disaster Recovery

Mr. Thomas provided the board with a memorandum outlining the board's disaster recovery plan. He presented an overview of the plan that includes steps staff should take to respond to emergency situations to ensure that mission-critical functions will continue to be performed during an emergency. He also pointed out that there are current provisions in the licensing law that allow psychologists who are licensed in other states to temporarily provide services in California to assist in the continued provision of psychological services to consumers during an emergency.

Dr. Thomas spoke to the board regarding the devastating effects of hurricanes Katrina and Rita. Dr. Thomas urged the board to develop a plan to keep this type of tragedy from happening in California should a disaster strike. He indicated that many ideas had been brought to his attention that could help alleviate some of the troubles encountered by the Gulf Coast licensing boards such as putting psychologists' pictures on their licenses, reviewing and rehearsing disaster procedures, and developing public service announcements to provide instructions on what to do during an emergency.

Dr. Thomas stressed how touched and saddened he was at the reality of the situation in those affected states and asked that everyone consider ways to provide help and support to those in need. Dr. Thomas recommended that the board send a letter supporting and offering assistance to the licensing boards in Louisiana, Alabama, Mississippi, and Texas.

He provided a copy of ASPPB's Emergency Preparedness Plan that he received at the ASPPB Annual Meeting and asked that it be provided to each board member. The board discussed Dr. Thomas' ideas.

It was M(Lindholm)/S(Graff)/C that the board establish an ad hoc committee to develop a plan to communicate and coordinate services with psychologists in the event of an emergency in California. It was decided that the ad hoc committee will work with Jo Linder-Crow, Executive Director of CPA, who reported that CPA recently collaborated with the California Disaster Response Coalition to assist hurricane relief victims in need of psychological services. Dr. Thomas and Dr. Horn were named to the ad hoc committee.

VOTE: 8 Ayes

It was M(McGee)/S(Graff)/C that Dr. Horn, on behalf of the board, send a letter of support and offer of assistance to the psychology boards for Louisiana, Alabama, Mississippi, and Texas.

VOTE: 8 Ayes

c) Other Executive Officer Informational Items

None.

Agenda Item #4 – Regulation Update

a) Continuing Education Requirements – California Code of Regulations Section 1397.61(f)

Mr. Thomas reported that the Office of Administrative Law reviewed and approved the regulatory package to amend section 1397.61(f), and it will become effective January 1, 2006.

b) Proration of Continuing Education Required for First Time Renewal After Issuance of License – California Code of Regulations Section 1397.61(a)

Mr. Thomas reported that the Office of Administrative Law reviewed and approved the regulatory package to amend section 1397.61(a), and it will become effective December 20, 2005.

c) Public Comment

None.

Agenda Item #5 – Regulation Hearings

a) Examination Name Change from CJPEE to CPSE – California Code of Regulations Sections 1388, 1388.6, 1392

Dr. Horn conducted the regulation hearing to amend sections 1388, 1388.6, 1389 and 1392 which would change the name of the current California Jurisprudence and Professional Ethics Examination (CJPEE) to the California Psychology Supplemental Examination (CPSE).

Dr. Horn reported that no written comment had been received and offered an opportunity for public comment. Hearing none, Dr. Horn closed the hearing and the board discussed the proposed regulation.

It was M(Tan)/S(Adelman)/C to adopt the proposed regulation and to delegate authority to the Interim Executive Officer to make any non-substantive changes in the preparation of the final rulemaking file.

VOTE: 7 Ayes

b) Distance “Independent” Learning – California Code of Regulations Sections 1397.60, 1397.62

Dr. Horn conducted the regulation hearing to amend sections 1397.60 and 1397.62 which would increase the number of hours allowed via distance learning from 18 to 36, and also change the phrase “distance learning” to “independent learning.”

Dr. Horn reported that written comment had been received and will be made a part of the record and offered an opportunity for public comment.

Allison Parelman, Ph.D., representing the Los Angeles Society of Clinical Psychologists (LASCP), expressed opposition to allowing all 36 hours of required continuing education to be accrued via independent learning. She indicated that she supports keeping the maximum number of hours allowed to be accrued via independent learning at 18 as the regulations currently allow.

B.J. Combs, Director, MCEP Accrediting Agency (MCEPAA), brought up several concerns regarding independent learning such as the ratio of faculty to students, intellectual properties, drop out rates, and lack of additional library resources. He indicated that he was speaking on behalf of Dr. Thomas, at his request, as he had to leave the meeting. Ms. Freedman asked Mr. Combs if these were also concerns of the MCEP Accrediting Agency or if they were strictly Dr. Thomas’ concerns. Mr. Combs stated that although they were concerns raised by Dr. Thomas, they are also concerns of the MCEP Accrediting Agency. Ms. Marks indicated that the board should consider the comments as being made by Mr. Combs and not by Dr. Thomas. Mr. Combs agreed.

After hearing all public comments, Dr. Horn closed the hearing and the board discussed the proposed regulation. After consideration of the comments presented, it was agreed upon to amend the proposal to change the number of hours of continuing education allowed to be accrued via independent learning from 36 (100%) to 27 (75%).

It was M(Lindholm)/S(Tan)/C to amend the proposed language to allow 75% (27 hours) of continuing education to be accrued via independent learning instead of 100% (36 hours) as originally proposed. This amendment requires a 15-day Notice to be issued to provide an opportunity for public written comment.

VOTE: 7 Ayes

It was M(Adelman)/S(Graff)/C to delegate authority to the Interim Executive Officer, absent any negative written comments, to adopt the proposed changes and to make any non-substantive changes in the preparation of the final rulemaking file.

VOTE: 7 Ayes

c) Continuing Education (Laws and Ethics) – California Code of Regulations Section 1397.61(b)

Dr. Horn conducted the regulation hearing to amend section 1397.61(b) which would broaden the means by which the laws and ethics continuing education requirement can be fulfilled.

Dr. Horn reported that written comment had been received and will be made part of the record and offered an opportunity for public comment.

Charles Faltz, Ph.D., representing the California Psychological Association, presented oral comment stating that during a previous discussion about this requirement, one of the ideas presented was for the board to prepare an annual update of the relevant statutory changes that occurred during the year to provide to licensees to review in fulfillment of this requirement. Dr. Faltz asked the board to clarify that this is not the intent of the current proposal. The board assured Dr. Faltz that this was not the intent of the proposed language.

Allison Parelman, Ph.D., representing the Los Angeles Society of Clinical Psychologists, presented oral comment stating that the proposed language is ambiguous and increases confusion. Dr. Parelman commented that there would be concern with the “self-certification” process as opposed to presenting actual documentation of compliance. Dr. Parelman stated that her agency would support this amendment with modifications.

Jo Linder-Crow, Ph.D., representing the California Psychological Association (CPA), stated that CPA supports in general the board’s attempt to make the fulfillment of the laws and ethics requirement more flexible.

It was M(Adelman)/S(Graff)/C to delegate authority to staff to clarify language in regard to defining “education and/or training” and to amend the proposed language and issue a 15-day Notice of Modified Changes. This new language and any comments received will be brought back to the February board meeting for the board to accept or reject.

Agenda Item #6 - Continuing Education Report – Dr. Adelman

a) Discussion of Continuing Education Project

- 1) Summary of Current Continuing Education Picture**
- 2) Possible Article for Board Newsletter on Continuing Education**
- 3) Next Steps for Enhancing Continuing Education**

Dr. Adelman reported that the Continuing Education Committee discussed the progress that has been made regarding the continuing education project. Part of the discussion focused on the issue of formulating guidelines and processes regarding mandated coursework since there has been a lack of structure in this regard. The committee has started a draft of these guidelines.

b) Supervision Course Requirement

Dr. Adelman reported that the Continuing Education Committee discussed the supervision course requirement, and that further discussion on this issue took place in the Credentials Committee. He indicated that this issue will be addressed under the Credentials Committee Report.

c) Public Comment

None.

Agenda Item #7 – Credentials Committee Report – Dr. Graff

a) Supervised Professional Experience (SPE) Hours – Section 1387b(9)

Dr. Graff reported that this issue will be tabled until the committee has a chance to review a previous rulemaking file. The committee is trying to clarify what the term "credential" in the current language is referring to. This agenda topic will be on the February agenda.

b) Clarification of Non-Mental Health Plans

Dr. Graff reported that the Credentials Committee discussed the possibility of clarifying the language in section 1387.3 of the California Code of Regulations. Dr. Renner and Dr. Lowman from Alliant University, San Diego, presented information to the committee in regard to their Industrial/Organizational Internship Program. The Credentials Committee has requested that a work group be conducted to help clarify the requirements of an appropriate non-mental health internship. The board hopes to clarify the requirements of the internship setting, requirements for supervision and the specific requirements of a co-supervisor. The committee hopes to hold a work group in January and report the outcome at the February board meeting.

c) Review Plans for Supervised Professional Experience (SPE) in Non-Mental Health Delivery Services

Dr. Graff reported that the committee approved seven plans as presented. One plan was approved contingent upon receiving further clarification of the duties performed as part of the internship.

It was M(Credentials Committee)/C to accept the Credentials Committee's recommendations.

VOTE: 7 Ayes

d) Supervision Course Requirement

Dr. Graff reported that it was clarified that the supervision course requirement is not a mandated CE requirement; rather, the course is required only if a licensee is supervising

SPE. The course may also be used towards meeting CE requirements if it is an approved course. The committee suggests including this clarifying information on the board's website and in the BOP Update. CPA also offered to provide this information on their website.

e) Public Comment

None.

Agenda Item #8 – Examination Committee Report – Dr. O'Connor

a) California Psychology Supplemental Exam (CSPE) Update

Dr. O'Connor announced that the new examination, the CSPE, will be administered in place of the CJPEE beginning February 1, 2006. It will consist of 115 questions including 15 pretest questions placed randomly throughout the exam that will not be scored. The CPSE will include six to ten vignettes in addition to the standard multiple-choice questions, and a new version of the exam will be available every six months. Examination results will not be provided at the examination site until approximately 100 tests have been administered, allowing for a statistical analysis of the examination questions to be performed by the Office of Examination Resources.

b) Public Comment

Dr. Faltz from the California Psychological Association raised a concern regarding the new exam and whether it would be a fair exam to candidates who are trained and educated in fields of specialization such as industrial/organizational psychology, social psychology, and applied research.

Agenda Item #9 - Enforcement Committee Report – Ms. Lindholm

a) Review of Business & Professions Code, Section 2969 – Failure to Provide Records

Ms. Lindholm reported that the Enforcement Committee had reviewed Business and Professions Code section 2969, which assesses civil penalties for failure to provide records, and noticed that it was unbalanced and inconsistent. Fine amounts, maximum fines, and time frames for compliance depended on whether it involved a health care facility or an individual. The Committee asked that the board consider seeking legislation to balance the penalties and time frames in that section. Since this law may be based upon other related laws and/or regulations relating to confidentiality and record keeping, staff was asked to research the related laws and/or regulations and bring further information back to the next meeting.

b) Probation Monitoring Process

Ms. Burns described the process a psychologist undergoes when placed on probation and the procedures for ensuring compliance with probationary requirements. Ms. Burns answered questions from board members regarding practice monitor selection and fluid testing procedures.

c) Enforcement Satisfaction Survey Results

The results of the Enforcement Satisfaction Survey were provided to the board. Ms. Lindholm reported that the committee asked Ms. Burns to recommend three new questions to be added to the survey that might provide useful feedback for the enforcement program. Ms. Burns will devise questions to be brought back to the next meeting for review.

d) Enforcement of Unlicensed Activity

Information regarding the board's authority to pursue complaints regarding the unlicensed practice of psychology was provided. Ms. Burns explained that unlicensed practice complaints are pursued through a variety of means, including investigation and referral to the District Attorney Office, issuance of a citation and fine, and issuance of cease and desist letters.

e) Incompetence as a Cause for Disciplinary Action

Ms. Burns reported that the Board's Strategic Plan includes a goal that a violation of incompetence by a psychologist be included as a cause for discipline in Business and Professions Code section 2960. This was thought to be accomplished in SB 229 (Figueroa) as it was a recommendation of the Joint Committee on Boards, Commissions, and Consumer Protection during Sunset Review. However, it was not included in the bill. The board directed staff to contact the Department's Legislative and Regulatory Review Division to seek inclusion of this cause in the Department's Omnibus Bill for the next legislative session.

f) Enforcement Statistics

The enforcement statistics for the period of July 1, 2005, through September 30, 2005, were provided to the board.

g) Expert Reviewer Appointments

Ms. Lindholm reported that three expert reviewer applications were reviewed.

It was M(Enforcement Committee)/S(McGhee)/C that all three nominees be accepted as expert reviewers for the board.

h) Public Comment

None.

Agenda Item #10 – Legislation Committee Report – Mr. McGhee

Mr. McGhee noted that William Lew Tan was appointed as a member of the Legislation Committee and he thanked Mr. Tan for his willingness to serve.

a) SB 229 (Figueroa)

Mr. McGhee reported that the Governor signed this bill, thereby extending the board's existence until January 1, 2009. Mr. McGhee thanked CPA and noted that CPA's lobbying was particularly helpful in the passage of this bill.

b) Other Bills of Interest to the Board

None.

c) Public Comment

None.

Agenda Item #11 – Consumer Education Committee – Mr. McGhee

a) Website Statistics

The website statistics were provided to the board.

b) Public Outreach

Mr. McGhee reported that the Consumer Education Committee discussed how the board could be more involved in outreach to community-based organizations, agencies, and the public. He stated that the discussion focused on the board's mission to ensure the interests of the consumer and how can the board can become more proactive in accomplishing this goal in light of the recent hurricanes and the disastrous impact they left behind. He stated there was much discussion regarding the establishment of policies and procedures on how to get critical information out to the public.

Mr. McGhee reported that there is a need to develop various consumer programs and to find means to get consumer information out to California's diverse consumer population. This includes programs for disaster relief and what to do in the event of a disaster.

c) BOP Update #13

Mr. McGhee reported that articles for the next BOP Update are currently being collected and organized and that the target date for release is January 2006.

d) Revised "For Your Peace of Mind – A Consumer Guide to Psychological Services" Booklet

Mr. Thomas reported that the booklet will be sent to publication next Tuesday and will be available for distribution shortly. Mr. Thomas indicated that staff is working on having the booklet translated into the Spanish, Chinese and Korean.

e) Public Comment

None.

Agenda Item #12 – Personnel and Board Relations Committee- Mr. Tan

Mr. Tan announced that Mr. McGhee was appointed as a member of the Personnel and Board Relations Committee and thanked him for his support as a member.

a) General Fund Loan Update

Mr. Tan reported that information regarding the terms for repayment of the five million dollar General Fund loan was included in the board agenda materials. Currently, repayment of the loan is scheduled for fiscal year 2014-2015. Mr. Tan also stated that the only way the loan could be repaid earlier is if the board's fund reserve fell so low as to threaten a reduction of services or an increase in licensing fees. Mr. Tan requested that Ms. Bradbury explain the budget process to the board and offer insight into why the board cannot create a "need" to request an earlier repayment date.

b) Public Comment

Charles Faltz, Ph.D., from the CPA, stated that the board was in a unique situation since the General Fund loan did, in a sense, result in increased licensing fees for psychologists. Prior to the loan, a regulation was in process to reduce licensing fees, but that had to be dropped due to the loan.

Laura Freedman, legal counsel for the board, explained that since the fees were never actually reduced, this circumstance does not qualify the board for repayment of the loan.

Agenda Item #13 – Ad Hoc Committee on Recruitment of Executive Officer Report – Mr. McGhee

Mr. McGhee reported that 45 applications for the Executive Officer position were received and that he and Dr. Horn had selected the ten most qualified applicants. They used a system to rank the applications that included 12 qualifying areas. The top ten applicants will be contacted and interviewed, and the top five applicants will be brought to the Board meeting in February for a second interview before the board.

Mr. McGhee reported that advertisements had been placed in the LA Times, Oakland Tribune, San Francisco Chronicle, Sacramento Bee, Fresno Bee, and the San Jose Mercury News. Additionally, the position had been advertised on Craig's List, the APA Monitor, and posted on the ASPPB website.

Dr. Horn noted that Mr. McGhee had successfully negotiated lower fees for advertising with most sources used.

Agenda Item #14 – Public Comment on Items Not on the Agenda

None.

Agenda Item #15 – Agenda Items for Future Board Meetings

It was suggested and agreed upon by all members that a note of gratitude and well wishes be sent to former member Sylvia Johnson.

It was M(Tan)/S(Lindholm)/C to adjourn the meeting.

The open session meeting adjourned at 12:45 p.m.

Jacqueline B. Horn, Ph.D.
President

Date